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Whitaker, Laura

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From: writerep  
Sent: Wednesday, August 22, 2001 2:02 PM  
To: LS, Tx21  
Subject: WriteRep Responses

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DATE: August 22, 2001 1:32 PM  
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Message:

Dear Representative Smith,

I'm asking your support in a matter of considerable importance to quite a few people, myself included. It's a matter regarding a person's right to pursue the career of his or her choice. In this case, I'm talking about the right to seek employment as a truck or bus driver. I feel that especially with your constituency being heavily Hispanic, and thus especially prone to developing diabetes, this is an item deserving of your attention.

As you may already know, the US Department of Transportation presently has a blanket rule which states, "If insulin is necessary to control a diabetic condition, the driver is not qualified to operate a commercial motor vehicle." (49 CFR 13(b) and 49 CFR 391.43 Medical examination; certificate of physical examination)

This ban is incontrovertible, and while it is intended to apply to interstate drivers, the rule in turn prohibits Texas drivers from obtaining an intrastate Commercial Driver's License (CDL). This is because Texas, like most states, apparently, wants to avoid conflicts between state licensing and Federal Motor Carrier Safety Administration (FMCSA) permit policy.

This portion of CFR 49 was placed on the books in 1981, and based (some have said loosely) on information, beliefs, and perceptions prevalent during the 1970's. To their credit, even the US government has realized that technology has changed since then. The FMCSA is preparing to make changes to this and other portions of CFR 49. Presently, they are soliciting comments on the subject, and will continue to accept comments until the end of September this year.

On behalf of myself and your own friends, relatives and constituents who may be impacted by this rule, I ask your support in the form of comment submission. Obviously, the more comments they hear, especially from medical professionals, holders of CDLs and legislators, the broader their viewpoint is apt to be when rewording these provisions.

Please understand something. As an insulin dependent diabetic, I have chosen to manage my condition, rather than let it manage me. I test my blood sugar level at least four times most days, and keep track of my meals, injections (normally four a day), exercise sessions, and generally how I feel at the time of each log entry. Is all this a pain in the butt? Yeah, but it sure beats the alternative, which includes a long list of very ugly illnesses leading to an early and painful death.

My point is, any diabetic who can read at an eighth grade level, and is willing to invest the time and effort, can participate in virtually any activity without posing any unusual threat to themselves or anyone else. This statement obviously applies to the many college and professional athletes who are insulin users. It also goes for those insulin dependent commercial drivers on the road who have managed to conceal their condition. Trust me, they're out there, and they're doing as good a job as anyone else, but they're not being monitored.

Drivers in general, and commercial drivers especially, need to be in full control of themselves at all times. The regulatory authorities must take all APPROPRIATE steps to guard the public's safety. I believe this safety can be provided without blanket bans on highly variable (and controllable) medical conditions. Even the FAA has begun issuing private pilot licenses to diabetics. For sure, they require almost obsessive levels of testing, logging and reporting. But then I guess you can't pull a Piper Warrior over to the side of the road while your blood sugar levels off, can you?

If you would be willing to take a few minutes to participate in this small bit of law making, the comments are being accepted on the DOT's Document Management System on the web at <http://dms.dot.gov/search/>. In the middle of the page is a space to insert a Docket number. Enter 9800 and click the Search button. The DMS program will ask you to establish a user id, and will then present the summary and comment information page related to this specific rule change.

To enter your comment, click the ES Submit button and simply follow the instructions.

I realize the instructions regarding DOT's DMS may be superfluous to you, but then you never know.

Thanks again for your time and attention.

Lowell